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LME-MCO Communication Bulletin #J205

Date: June 20, 2016

To: LME-MCOs

From: Kathy Nichols, Behavioral Health Manager, Behavioral Health Section, DMA and Mabel McGlothlen, LME-MCO System Management Section Chief, DMH/DD/SAS

Subject: Federal Requirements Relative to Out of Network Emergency & Post Stabilization Services

This bulletin reiterates the mandate arising from federal law to cover emergency and post stabilization services without limitation as addressed in 42 C.F.R. § 438.114. This was clarified earlier in [Joint Communication Bulletin \(JCB\) #J178](#) Providers Delivering Emergency and Post-Stabilization Services (dated December 14, 2015) and was accidentally omitted from [JCB #J195](#) Out of Network Agreement (dated April 18, 2016).

Per DMA Contract excerpt from Section 6.3 Emergency Medical Services:

*In accordance with Section 1932(b)(2) of the Social Security Act and 42 CRF § 438.114, PIHP shall provide coverage for Emergency Medical Services consistent with the prudent layperson standard, as defined in the Emergency Medical Treatment and Labor Act (EMTALA) of 1986 (Section 1867 of the Social Security Act) as amended by the Balanced Budget Act (BBA) of 1997. **Such services shall be provided anytime without regard to prior authorization and without regard to the emergency care provider's contractual relationship with PIHP.***

If you have questions, please contact Kathy Nichols at Katherine.nichols@dhhs.nc.gov or 919-855-4289.

Previous bulletins can be accessed at: <http://www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins>

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